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10/021,052	12/19/2001	Yasumasa Uyama	058856-0109	9811

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EXAMINER	
POLTORAK, PIOTR	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,052	UYAMA, YASUMASA	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/30/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 1/30/06 have been entered and carefully considered.
2. The Amendment introduces a new limitation into the originally sole independent claims 1 and 6 and dependent claims 2-5 and 7. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

4. The drawings received on 1/30/06 have been accepted and the objection has been withdrawn.
5. Applicant amended claims 1-7 in order to clarify the subject matter and overcome the objection and the 35 U.S.C. 112 second paragraph rejection cited in the previous Office Action.
6. With the exception of claims 3 and 5, which the amendment did not address, the 35 U.S.C. 112 second paragraph rejection has been withdrawn.
7. On page 7 applicant argues that the art of record does not disclose "the designated transmission destination email address as a key for looking p the enciphering program in the reference table. Furthermore, on page 8, applicant continues to question the art of record suggesting that the enciphering program is not specified

by looking up the reference table using the designated transmission destination data (electronic mail address) as a key and as a result that the enciphering program cannot be uniquely determined for each destination.

The newly introduced limitation of claim 1 "wherein the specified enciphering program is specified by looking up the reference table by using the designated transmission destination electronic mail address as a key" is addressed in this Office Action.

8. On page 8 applicant argues that two separate storing areas, a column for enciphering program and a column for deciphering program provided for a signal communication partner is not disclosed by the art of record.

Applicant's argument has been carefully considered but they were not found persuasive. The examiner points out that claim language does not disclose separate table columns for deciphering and enciphering programs.

9. Applicant argues (pg. 8) that a one-on-one relationship between the sender and the receiver, which creates the ordered pair cannot be achieved using art of record because the enciphered packet is designed to be decode by more than one terminal.

The argument is not understood. "The ordered pair" is not understood, and it is not clear why decoding information by more than one terminal precludes one-on-one relationship between the sender and the receiver. In fact, applicant's statement suggests that perhaps "one-on-one relationship" is interpreted differently than applicant's desired meaning. If such an assumption is correct, applicant should consider to change the term to better articulate desired meaning.

10. Applicant concludes his remarks stating that applicant's arguments are applicable to claims 2-6.

The examiner's remarks, above, are applicable towards applicant's arguments directed towards claims 2-6.

11. Claims 1-7 have been examined.

Claim Rejections - 35 USC § 112

12. Claims 2 and 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

13. The phrase "application order data" recited in claims 2 and 5 remains rejected as not clear and for purposes of further examination is treated as best understood.

14. Claim 4 recites: "the plurality of enciphering programs, or the plurality of deciphering programs each correspond separately to a main text of the electronic mail and to an attachment file of the electronic mail, for each transmission destination electronic mail address or transmission source electronic mail addresses.

15. It is not clear whether the claim language should be read as though the plurality of cipher programs each correspond separately to a main text and an attachment, or whether they correspond separately for each email address.

16. Claim 6 recites "enciphering reference data in which a transmission destination telephone number to correspond to an optional enciphering program ... said enciphering program ... is identified based on the transmission destination telephone

number of the communication and enciphered reference data". The limitation is not clear. On one hand the limitation suggests that the transmission destination telephone number is a subset of the enciphering reference data but then the language suggests that the transmission destination telephone number is independent from the enciphered reference data.

For purposes of further examination the recited relationship between the transmission destination telephone number is treated as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

17. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidrascu (U.S. Patent No. 5583940) in view of Leppek (U.S. Patent No. 5933501), Collins (U.S. Patent No. 6424828) and Schier (U.S. Patent No. 6907123).

Vidrascu discloses method, an apparatus and a device for enciphering electronic messages transmitted between network devices.

18. As per claim 6 Vidrascu discloses means for installing an enciphering program and a deciphering program (col. 6 lines 21-31). It is clear that there is memory means for storing some enciphering/deciphering reference data in which a transmission data is

pre-set to correspond to an optional enciphering/deciphering program and enciphering/deciphering, and transmitting and outputting a signal using the enciphering/deciphering program is present in Vidrascu's invention since Vidrascu clearly discloses the use of encryption/decryption key and algorithm used in enciphering/deciphering data signal (col. 6 lines 21-31).

Vidrascu does not disclose that the transmission data is a transmission destination/source telephone number that is pre-set to correspond to an optional enciphering/deciphering program and that the signal is a voice signal that is deciphered is audibly outputted.

Schier discloses a voice signal that is enciphered, deciphered and audibly outputted (Schier, Abstract, Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate voice signal that is enciphered, deciphered and audibly outputted as taught by Schier given the benefit of the secure transmission of voice communications between a sending and receiving devices.

Additionally Scheir teaches utilizing table to store encryption algorithms (Fig. 3 and 6). Phone numbers can uniquely identify source/destination and table must have unique keys (e.g. col. 34 Fig. 3). As a result, pre-setting a transmission destination/source telephone numbers to correspond to an optional enciphering/deciphering program would have been an obvious variation given the benefit phone numbers have unique values identifying source/destination.

19. As per claim 7 Scheir discloses a reference stores a plurality of kinds of enciphering/deciphering programs that are used in multiple stages (Fig. 3 and col. 4 lines 30-56).

20. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidrascu (U.S. Patent No. 5583940) in view of Leppek (U.S. Patent No. 5933501), Collins (U.S. Patent No. 6424828) and Schier (U.S. Patent No. 6907123).

Vidrascu discloses method, an apparatus and a device for enciphering electronic messages transmitted between network devices.

21. As per claim 1 Vidrascu discloses a method wherein program stored on an information processing device (interface apparatus) automatically enciphering file to be transmitted according to a specified enciphering program upon an input of a prescribed enciphering instruction (Vidrascu, col. 6 lines 21-27) and automatically deciphering a received enciphered file according to a specified deciphering program upon an input of a prescribed deciphering instruction (Vidrascu, col. 6 lines 28-36). Vidrascu discloses DES cipher program (Vidrascu, col. 6 lines 21-36) but does not teach a plurality of the enciphering/deciphering programs.

Leppek discloses implementation of a plurality of enciphering/deciphering programs (Leppek, col. 2 lines 19-23, 51-55, and col. 4 lines 14-17).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a plurality of enciphering/deciphering programs as disclosed by Leppek in Vidrascu's invention. One of ordinary skill in the art would have been

motivated to implement a plurality of enciphering/deciphering programs in order to increase security of the system.

Vidrascu discloses that destination and source electronic addresses (IP addresses) are keys specifying enciphering and deciphering programs (Vidrascu, col. 6 lines 21-36).

Vidrascu does not teach that the addresses are electronic mail (email) addresses read out from a reference table in the memory of the information processing device.

Collins teaches electronic message exchange that uses the addresses that are email addresses (Collins, col. 5 lines 43-63).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize email addresses as taught by Collins in Vidrascu's invention. One of ordinary skill in the art would have been motivated to utilize email addresses in order to uniquely identify a message sender and recipient of electronic messages exchange.

Furthermore, Schier teaches a reference table in the memory of an information processing device that is used to store and retrieve data (Schier, e.g. Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a reference table in the memory of an information processing device to retrieve data (such as email address) as taught by Scheir. One of ordinary skill in the art would have been motivated to utilize a reference table in the memory of an information processing device to retrieve data (such as email address) in order to increase the speed of data access.

22. As per claim 2 Vidrascu in view of Leppek, Collins and Schier do not teach electronic mail transmitting means for transmitting the enciphered file to be transmitted attached to an electronic mail to the designated transmission destination. Official Notice is taken that email transmitting means for transmitting the enciphered file to be transmitted attached to an electronic mail to the designated transmission destination are old and well-known in the art of computing. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ Vidrascu in view of Leppek, Collins and Schier invention in the email system transmitting the enciphered file to be transmitted attached to an electronic mail to the designated transmission destination are old and well-known in the art of computing given benefit of additional speed and security.

23. As per claims 3-4 Leppek's teaches an application order data (e.g. Leppek, Fig. 2 object 160) that each corresponds to a single transmission source, destination (col. 4 lines 24-52). Including the application order data in the lookup table would have been implicit: the lookup table is used to provide essential information in enciphering/deciphering files using plurality of cipher programs applied in sequence and in order to correctly encipher/decipher the files the sequence of these programs must be specified as well.

24. As per claim 5 decryption is an inverse of encryption; as a result an automatic change application order data would have been obvious to one of ordinary skill in the art at the time of applicant's invention for benefit of ease encryption/decryption

process. Also, with the exception of the most primitive tasks, automation requires some pre-set rules.

25. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidrascu (U.S. Patent No. 5583940) in view of Leppek (U.S. Patent No. 5933501), Collins (U.S. Patent No. 6424828) and Keats (U.S. Patent No. 6738828).

Vidrascu discloses method, an apparatus and a device for enciphering electronic messages transmitted between network devices.

26. As per claim 1 Vidrascu discloses a method wherein program stored on an information processing device (interface apparatus) automatically enciphering file to be transmitted according to a specified enciphering program upon an input of a prescribed enciphering instruction (Vidrascu, col. 6 lines 21-27) and automatically deciphering a received enciphered file according to a specified deciphering program upon an input of a prescribed deciphering instruction (Vidrascu, col. 6 lines 28-36). Vidrascu discloses DES cipher program (Vidrascu, col. 6 lines 21-36) but does not teach a plurality of the enciphering/deciphering programs.

Leppek discloses implementation of a plurality of enciphering/deciphering programs (Leppek, col. 2 lines 19-23, 51-55, and col. 4 lines 14-17).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a plurality of enciphering/deciphering programs as disclosed by Leppek in Vidrascu's invention. One of ordinary skill in the art would have been motivated to implement a plurality of enciphering/deciphering programs in order to increase security of the system.

Vidrascu discloses that destination and source electronic addresses (IP addresses) are keys specifying enciphering and deciphering programs (Vidrascu, col. 6 lines 21-36).

Vidrascu does not teach that the addresses are electronic mail (email) addresses read out from a reference table in the memory of the information processing device.

Collins teaches electronic message exchange that uses the addresses that are email addresses (Collins, col. 5 lines 43-63).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize email addresses as taught by Collins in Vidrascu's invention. One of ordinary skill in the art would have been motivated to utilize email addresses in order to uniquely identify a message sender and recipient of electronic messages exchange.

Furthermore, Keats teaches a reference table in the memory (cache) of an information processing device that is used to store and retrieve data (Keats, col. 5 lines 6-8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a reference table in the memory of an information processing device to retrieve data (such as email address) as taught by Keats. One of ordinary skill in the art would have been motivated to utilize a reference table in the memory of an information processing device to retrieve data (such as email address) in order to increase the speed of data access.

27. As per claim 2 Vidrascu in view of Leppek, Collins and Keats do not teach electronic mail transmitting means for transmitting the enciphered file to be transmitted attached to an electronic mail to the designated transmission destination. Official Notice is taken that email transmitting means for transmitting the enciphered file to be transmitted attached to an electronic mail to the designated transmission destination are old and well-known in the art of computing. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ Vidrascu in view of Leppek, Collins and Keats invention in the email system transmitting the enciphered file to be transmitted attached to an electronic mail to the designated transmission destination are old and well-known in the art of computing given benefit of additional speed and security.

28. As per claims 3-4 Leppek's teaches an application order data (e.g. Leppek, Fig. 2 object 160) that each corresponds to a single transmission source, destination (col. 4 lines 24-52). Including the application order data in the lookup table would have been implicit: the lookup table is used to provide essential information in enciphering/deciphering files using plurality of cipher programs applied in sequence and in order to correctly encipher/decipher the files the sequence of these programs must be specified as well.

29. As per claim 5 decryption is an inverse of encryption; as a result an automatic change application order data would have been obvious to one of ordinary skill in the art at the time of applicant's invention for benefit of ease encryption/decryption

process. Also, with the exception of the most primitive tasks, automation requires some pre-set rules.

30. As per claims 6-7 Vidrascu in view of Leppek, Collins and Keats as discussed above do not discuss a telephone voice exchange.

However, a telephone voice exchange is an obvious variation of electronic messaging exchange and it is well known in the art. As a result implementing Vidrascu in view of Leppek, Collins and Keats invention in a telephone voice exchange would have been obvious to one of ordinary skill in the art at the time of applicant's in light of the benefits and need for security in telephone exchange (in particular cellular technology) as evidenced by the commercial success.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/12/06

JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER